

**RESOLUTION ESTABLISHING THE ELECTION FOR
SEVENTH AND ALTERNATE MEMBERS
OF THE
BOARD OF RETIREMENT**

WHEREAS, under the provisions of the County Employment Retirement Law of 1937, the Board of Retirement shall consist of nine members and two alternate members; and

WHEREAS, the term of the Seventh and Alternate Members of the Board of Retirement will expire on December 31, 2010; and

WHEREAS, pursuant to the provisions of the County Employees Retirement Law of 1937, Section 31520.1 of the Government Code, a successor shall be elected to fill the office for the term beginning January 1, 2011, at an election conducted in a manner to be determined by the Board of Supervisors:

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that the nomination of candidates and the election of the Seventh and Alternate Members of the Board of Retirement, Los Angeles County Employees Retirement Association, elected by the Safety Members of said Retirement Association to fill the term beginning January 1, 2011 and expiring December 31, 2013 shall be in accordance with the rules and procedures herein prescribed:

1. The Executive Officer of the Board of Supervisors shall supervise the election for the Seventh and Alternate Members of the Board of Retirement of the Los Angeles County Employees Retirement Association.
2. The Executive Officer of the Board of Supervisors shall, on or before Monday, April 12, 2010, notify department heads who employ Safety Members, of the election and shall provide department heads with an election notice for use in notifying their respective employees.

3. Department heads with Safety Member employees in their departments shall notify their employees of the election by posting sufficient copies of the election notice on or before Monday, April 26, 2010.
4. The Executive Officer of the Board of Supervisors, through a coordinated effort with the Chief Information Office, Internal Services and Auditor-Controller Departments, shall, on Friday, April 23, 2010 send an email to all Safety Members advising them of the upcoming LACERA election.
5. Each department head with Safety Members in his or her department shall appoint at least one employee who will act as the departmental election coordinator, and at least one employee who will act as the alternate departmental election coordinator. Election coordinators and alternate coordinators shall be responsible for communicating election information to the employees of the department, and shall attend all training sessions, as specified by the Executive Officer of the Board of Supervisors, regarding the administration of the election. Departments with work locations which have more than 100 employees who are eligible to vote are urged to select an on-site election coordinator for each of these locations. It is the responsibility of the department head to notify the Executive Office of the Board of Supervisors at (213) 974-1093 or email to LACERA_ELECTION@bos.co.la.ca.us the names, telephone numbers, work place mailing addresses and/or email addresses for employees appointed on or before Tuesday, April 20, 2010.

6. Candidates shall be active Safety Members of the Association and shall be nominated by petition signed by at least fifty (50) active Safety Members of the Los Angeles County Employees Retirement Association as of March 1, 2010, and no member may sign more than one nominating petition. Nominating petitions may be obtained from the Registrar-Recorder/County Clerk, 12400 E. Imperial Highway, Norwalk, 90650, on or after Monday, May 3, 2010. The request for nomination papers supplied by the Registrar-Recorder/County Clerk shall be completed by each requesting party. Nominating petitions must be filed with the Registrar-Recorder/County Clerk, 12400 E Imperial Highway, Norwalk, 90650, no later than 5:00 p.m. on Wednesday, June 2, 2010.
7. Each department head shall allow nominees to solicit nominating signatures and candidates to engage in campaign-related activities during working hours on County property, provided such signature solicitation and campaign activities are conducted during the employees' lunch, break time, or other off-duty time and does not interfere with County operations or the conduct of County business.
8. The Registrar-Recorder/County Clerk shall examine the signatures on the nominating petitions and notify each nominee of his or her status, no later than 5:00 p.m. on Monday, June 7, 2010. If the Registrar-Recorder/County Clerk determines that only one member has been duly nominated, pursuant to the provisions of the County Employees Retirement Law of 1937, Section 31523 of the Government Code, the Registrar-Recorder/County Clerk shall notify the Board of Supervisors and the Board of Supervisors shall order that no election be held and the Executive Officer of the Board of Supervisors shall be directed to cast a unanimous ballot in favor of such nominated member. If more than one member has been duly nominated, The Registrar-Recorder/County Clerk shall certify to the Executive Officer of the Board of Supervisors by Monday, June 7, 2010, the names of the candidates to be placed on the official ballot.

9. Nominees in this election may file with the Registrar-Recorder/County Clerk a statement of qualifications of not more than 200 words. Words shall be counted as provided in Elections Code Section 9. Any statement of qualifications filed with the Registrar-Recorder/County Clerk shall be limited to a recitation of the nominee's own personal background and qualifications, and shall not in any way make reference to other nominees or to another nominee's qualifications. A nominee may file his or her statement of qualifications beginning Monday, May 3, 2010. No statement of qualifications may be withdrawn and/or re-filed after 5:00 p.m., Wednesday, June 2, 2010. The statement shall become a part of the official ballot, except as provided in paragraph 10, below.
10. Upon close of the statement of qualifications filing period, the Registrar-Recorder/County Clerk shall examine each statement of qualifications. Any statement of qualifications which the Registrar-Recorder/County Clerk determines is not limited to a recitation of the nominee's own personal background and qualifications or which includes any reference to other nominees or to another nominee's qualifications shall not be printed or circulated by the Registrar-Recorder/County Clerk. The Registrar-Recorder/County Clerk shall notify each nominee by telephone at his or her telephone number that the nominee has provided, and via U.S. Mail sent to the nominee's mailing address if the nominee's statement of qualifications is rejected pursuant to this provision. The decision of the Registrar-Recorder/County Clerk to accept or reject a nominee's statement of qualifications is final. Any statement of qualifications filed with the Registrar-Recorder/County Clerk shall, upon close of the statement of qualifications filing period, be made available for public inspection and copying. Any judicial proceeding challenging the decision of the Registrar-Recorder/County Clerk to reject or accept a nominee's statement of qualifications shall be governed, to the extent determined applicable by the courts, under the procedures set forth in Elections Code Section 13314.

11. A statement of qualifications shall be open to public inspection for a period of five business days excluding weekends (Saturday and Sunday) and holidays. Candidate's statements of qualifications will be available for inspection at the Registrar-Recorder/County Clerk, 12400 E. Imperial Highway, Norwalk, 90650, beginning on Monday, June 7, 2010, and ending at 5:00 p.m. Friday, June 11, 2010. On Monday, June 14, 2010 candidate's statements of qualifications approved by the Registrar-Recorder/County Clerk may be viewed at:

http://bos.co.la.ca.us/lacera_election.htm.

12. The form of ballot to be used at the election shall be as prepared by the Registrar-Recorder/County Clerk and additional materials shall include: (1) a list of the certified candidates in random order with a voting space opposite each name and sufficient information to acquaint members with the nature of the election and the proper method of casting a ballot; (2) statements of qualifications if properly filed by the candidate; (3) a return envelope postage prepaid; (4) a statement of powers and duties of Retirement Board Members (see Attachment B); and (5) a ballot insert with the following identifying information:

EMPLOYEE NAME, MAILING ADDRESS, EMPLOYEE NUMBER,
DEPARTMENT NUMBER AND PAY LOCATION AS OF MARCH 1, 2010

13. The Registrar-Recorder/County Clerk shall certify a list of qualified candidates to the Executive Office of the Board of Supervisors on Monday, June 7, 2010. A public drawing will be held to determine the ballot order at 2:00 p.m. on Tuesday, June 8, 2010 in the Executive Office of the Board of Supervisors, 383 Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles.

14. The Auditor-Controller shall provide to the Registrar-Recorder/County Clerk on or before Monday, April 12, 2010, (1) a ballot insert, described in paragraph 12 of this resolution, for each eligible Safety Member of the Retirement Association as of March 1, 2010 in alphabetical order, employee number suborder, and (2) two copies listing all such members in the described order.
15. The Registrar-Recorder/County Clerk shall mail the official ballot to the mailing address of eligible Safety Members beginning on Monday, June 21, 2010 and by 5:00 p.m. Friday, June 25, 2010 all ballots must be mailed. The ballots shall be mailed via U.S. Mail using mailing addresses listed in the Auditor-Controller's master address file. The Registrar-Recorder/County Clerk will forward to the Executive Officer of the Board of Supervisors by Monday, June 28, 2010 verification that all ballots were mailed as described in this resolution.
16. Any County employee who is a candidate in this election is a candidate in his or her personal capacity, and may not use County time or County resources to further his or her campaign or election. Any candidate who violates this provision is subject to discipline, including discharge from County employment.
17. Each department head shall designate existing departmental bulletin board space for all candidates to display campaign material. All campaign material shall clearly state that employees are prohibited from using County time or County resources to further the campaign or election of the candidate.
18. Upon request of a candidate, on or after Monday, June 7, 2010, each department head shall provide the address of each department's work locations where employees who are eligible to vote in this election are employed.

19. Except as otherwise prohibited by law, employees may wear campaign badges or buttons during working hours.
20. Members eligible to vote in this election shall be Safety Members of the Retirement Association on or before March 1, 2010. Eligible Safety Members who do not receive a ballot by Tuesday, July 6, 2010 and who desire to vote shall notify in writing their department election coordinator on or before Tuesday, July 13, 2010. The department election coordinator shall submit to the Registrar-Recorder/County Clerk these written statements along with the employee's name, current mailing address, employee number and department in which employed as of March 1, 2010 on the Request for Duplicate Election Ballot Form provided by the Executive Office of the Board of Supervisors on or before Tuesday, July 13, 2010. The Registrar-Recorder/County Clerk must receive the request by Tuesday, July 13, 2010. Duplicate ballots shall be issued only to those Safety Members who submit the required written statement and whose names appear on both the Request for Duplicate Election Ballot signed by the election coordinator and the duplicate listing of the Auditor-Controller's master address file.
21. The Registrar-Recorder/County Clerk shall mail the requested duplicate ballots via U.S. Mail by Thursday, July 15, 2010, to the mailing address supplied by members on the Request for Duplicate Election Ballot Form.
22. Each ballot may be voted only by the member to whom it is issued. No member may vote more than once in this election.
23. The Registrar-Recorder/County Clerk shall maintain internal controls to ensure that no more than one vote is cast per member to protect the integrity of the election.

24. To be eligible for counting, ballots shall be returned to the Registrar-Recorder/County Clerk in the envelope provided via U.S. Mail or personal delivery; shall be completed by each voter with his or her employee number, printed name and signature in the space provided on the reverse of said envelope; and shall be received by the Registrar-Recorder/County Clerk by 5:00 p.m., Tuesday, July 27, 2010. There are no provisions for write-in candidates; therefore, no write-in votes shall be counted.
25. The Registrar-Recorder/County Clerk shall canvass the votes cast at the election and shall certify the results to the Executive Officer of the Board of Supervisors on or before Friday, July 30, 2010.
26. The Registrar-Recorder/County Clerk shall (a) telephone each candidate receiving more than 20 percent of the total vote cast at his or her telephone number provided as to the results as certified on or before Friday, July 30, 2010; and (b) send written notice of the results via U.S. Mail to each candidate's mailing address on or before Friday, July 30, 2010.
27. In the event a candidate makes a request for a recount of the election results, the requestor shall bear the cost of such a recount. A written request for a recount shall be filed with the Registrar-Recorder/County Clerk no later than 5:00 p.m., Friday, August 6, 2010. The candidate filing the request for the recount shall, before the recount is commenced and at the beginning of each day following, deposit with the Registrar-Recorder/County Clerk a sum as required by the Registrar-Recorder/County Clerk to cover the cost of the recount for that day. The Registrar-Recorder/County Clerk shall commence a recount no later than Friday, August 13, 2010. In the event the recount results in a determination that the candidate who requested the recount has received a plurality of the votes cast, all money deposited shall be returned to the candidate. The recount conducted by the Registrar-Recorder/County Clerk shall be open to the public.

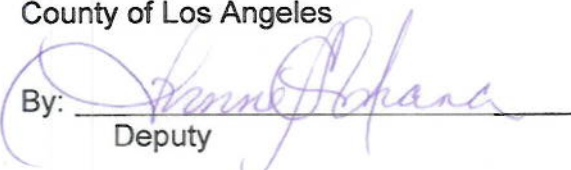
28. In the event any candidate desires to protest the results of the election, he or she must file a written protest with the Executive Office of the Board of Supervisors no later than 5:00 p.m., Friday, August 6, 2010. The written protest must specify the grounds for the protest and be accompanied by supporting documentation.
29. The Board of Supervisors at its meeting on Tuesday, September 7, 2010, or on a date following the completion of any recount and/or investigation of a protest, shall declare the results official. The person receiving the highest number of votes shall be declared elected the Seventh Member. The Alternate Member shall be that candidate, if any, for the Seventh Member from the group under Government Code Section 31470.2 or 31470.4, or any other eligible Safety Member candidate, if there is no eligible candidate from the groups under Sections 31470.2 and 31470.4 which is not represented by the candidate who received the highest number of votes of all candidates in that group. In the event two or more persons tie for first place, such persons shall determine, by drawing lots before the Board, which of them shall be elected.
30. In lieu of declaring the results official, the Board of Supervisors may order a new election if the Board determines, on the basis of written protest or on its own motion, that any error, omission or neglect occurred attributable to the County in the administration of the election sufficient to change the result. The rejection of a candidate's statement of qualifications by the Registrar-Recorder/County Clerk, or the failure of the Registrar-Recorder/County Clerk to reject a candidate's statement of qualifications shall not constitute grounds for a new election. Allegations of candidate misconduct shall not constitute grounds for a new election, but if later substantiated may lead to administrative discipline or criminal liability.

31. Election material retained by the Executive Officer of the Board of Supervisors and nominating petitions and ballots retained by the Registrar-Recorder/County Clerk may be discarded or otherwise disposed of sixty (60) days after the date of the final declaration of the election results by the Board of Supervisors.
32. The Executive Officer of the Board of Supervisors may, in the exercise of her discretion, implement additional procedures, as she may deem necessary in order to preserve a fair and equitable election process. The Executive Officer of the Board of Supervisors shall, within ten (10) days, notify the Board of Supervisors, the Boards of Investments and Retirement and all candidates of any additional procedures implemented pursuant to this provision.

The foregoing resolution was on the 6th day of APRIL 2010, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.



Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors of the
County of Los Angeles

By: 
Deputy

APPROVED AS TO FORM:
Andrea Sheridan Ordin
County Counsel

By


Judy Whitehurst

Principal Deputy County Counsel

ATTACHMENT B

POWERS AND DUTIES OF RETIREMENT BOARD MEMBERS

The Board of Retirement provides this summary to enable voters to evaluate candidates for the Board of Retirement. The Board urges voters to review this summary prior to voting.

The overall responsibility of the Board of Retirement is to oversee the administration of the retirement system and the retiree health care program. This requires the Board to meet twice each month. Board meetings generally last from 4 to 6 hours. In addition, the Board has established several committees to assist in carrying out its responsibilities. Some committees meet monthly; others meet every other month. In addition to the time required to attend meetings, considerable time is required to review applicable materials developed by staff and management.

The general management of LACERA is under the Board of Retirement's direction. A few functions, however, are shared with the Board of Investments. The Boards of Retirement and Investments, acting jointly, adopt the annual budget covering LACERA's operations. The two Boards must also act jointly in employee relations matters, including the approval of class specifications for LACERA's employees, the approval of Memoranda of Understanding (MOU's) negotiated with SEIU Local 721, the union bargaining for represented employees of LACERA, and the approval of compensation to be provided to LACERA's nonrepresented employees.

One of the most important - and by far the most time consuming - duties of a Board member is to review disability retirement applications and to participate in the Board's decision to grant or deny disability retirements. It is anticipated the Board of Retirement will process approximately 325 disability retirement cases during the 2010 calendar year. A Board member is obligated by law to carefully review each application and the medical evidence supporting the application. A Board member will be required to spend a significant amount of time each month in carrying out this important responsibility. The Board member must then participate in the Board's deliberations and vote on the application. Under Government Code Section 31522, as to those elected Board members who are also employed by the County or a participating district, these LACERA duties are included as part of their County or district employment.

The Board of Retirement administers a statutory retirement plan. This means that retirement benefits can only be provided if they have been authorized by the State Legislature in the County Employees Retirement Law of 1937, found in the California Government Code beginning at Section 31450. Retirement benefits not already authorized by the Retirement Law cannot be implemented by the Board of Retirement; rather, a bill must be processed through the Legislature to amend the Retirement Law. With only a few exceptions, the Legislature has required the County Board of Supervisors to adopt a resolution approving benefit enhancements before they can take effect.

The Board of Retirement is not responsible for the investments of the Retirement Fund or for the adoption of funding policies and the setting of contribution rates. The Legislature has assigned those responsibilities to the Board of Investments.

APPROVED BY THE BOARD OF RETIREMENT ON MARCH 4, 2010.